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and

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60 East 42nd Street, 46th Floor
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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NIPPONKOA INSURANCE COMPANY
LIMITED,

Plaintiff,

- against -

NORFOLK SOUTHERN RAILWAY COMPANY

And

THE KANSAS CITY SOUTHERN RAILWAY
COMPANY

Defendants.

NO.: 07 CIV. 10498

JUDGE CHIN

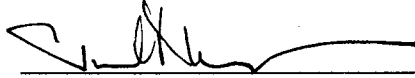
NOTICE OF APPEAL

Notice is hereby given that defendants, Norfolk Southern Railway Company and The Kansas City Southern Railway Company hereby appeal to the United States Court of Appeals for the Second Circuit from the Judgment granting plaintiffs' motion for summary judgment and denying defendants' motion for summary judgment and awarding damages to plaintiffs entered in this action on the 16th day of November, 2009 and entered upon the docket on the same day

(DE # 42) and the Court's Orders determining, *inter alia*, that 49 U.S.S.C. § 11706 is applicable to the above styled case (DE ## 27 and 40).

KEENAN COHEN & HOWARD P.C.

By:



Paul D. Keenan (admitted *pro hac vice*)
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Attorneys for Defendants
Norfolk Southern Railway Company,
Norfolk Southern Railway Corporation, and
The Kansas City Railway Company

Dated: November 19, 2009

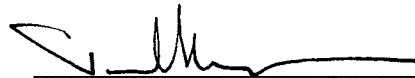
CERTIFICATE OF SERVICE

I, the undersigned counsel, hereby certify and declare under penalty of perjury that on November 20, 2009, a true and correct copy of the foregoing Defendants' Notice of Appeal was sent to the following party, listed below, by e-mail and first class mail:

David T. Maloof, Esquire
Thomas M. Eagan, Esquire
MALOOF BROWNE & EAGAN LLC
411 Theodore Fremd Avenue, Suite 190
Rye, New York 10580-1411

Attorneys for Plaintiffs

By:

A handwritten signature in black ink, appearing to read 'Paul D. Keenan', is written over a horizontal line.

Paul D. Keenan

SERVICE LIST

David T. Maloof, Esquire
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Attorney for Plaintiffs

ORIGINAL-WHITE

DUPLICATE-YELLOW

TRIPPLICATE-PINK

RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT
 for the
 SOUTHERN DISTRICT OF NEW YORK

E 706603

RECEIVED FROM

Kerice Chen & Howard

07/10/08

NCH

Fund
 6855XX
 604700

508800
 085000
 086900
 322340
 322350
 322360
 143500
 322380
 322386
 121000
 129900
 504100
 613300
 510000
 510100

Deposit Funds
 Registry Funds
 General and Special Funds
 Immigration Fees
 Attorney Admission Fees
 Filing Fees
 Sale of Publications
 Copy Fees
 Miscellaneous Fees
 Interest
 Recoveries of Court Costs
 Restitution to U.S. Government
 Conscience Fund
 Gifts
 Crime Victims Fund
 Unclaimed Monies
 Civil Filing Fee (1/2)
 Registry Fee

JUDGE #128912

DATE/TIME: 11/20/2009 2:53:27 PM

CLERK: LATECIA

STATION: 01

I APPEAL 4/06

086900 \$105.

510000 \$150.

086400 \$200

\$455.00

GRAND TOTAL

\$455.00

Checks and drafts are accepted subject to collection and full credit will only be given when the check or draft has been accepted by the financial institution on which it was drawn.

DEPUTY CLERK

DATE:	Cash	Check	M.O.	Credit
20				